

**REMARKS/ARGUMENTS**

Claims 1-6, 11-13, 15, 16, and 18-26 remain in this application. Claims 7-10, 14, and 17 are cancelled, without prejudice. No amendments are submitted at this time.

Response to rejection of claims 1-6, 11-13, 15, 16, 18-20, and 22-24 over Irie in view of Straw

In the above-identified Office Action the Examiner rejected claims 1-6, 11-13, 15, 16, 18-20, and 22-24 under 35 USC §103(a) as being obvious over Irie (US 5,959,028) in view of Straw (US 2003/0165701).

In the above-identified Office Action, the Examiner discusses Straw's paragraph #39 and states, "Therefore, Straw's paragraph #39 does not contradict the disclosure [of the present application], but, to the contrary, fully matches it." Applicants respectfully submit that the correct criterion for an obviousness rejection is not whether the teaching of the prior art "matches" the disclosure of the present application but whether or not the prior art renders the claims of the present application obvious.

Applicants respectfully maintain that present claim 1 contains at least one feature that is not taught or suggested by Irie or Straw, either alone or taken in combination. That feature is a curable composition with 5% or less non-reactive volatile compounds.

Straw does not teach or suggest that any curable composition (i.e., a composition that contains both Michael acceptor and Michael donor) may be prepared with less than 5% non-reactive volatile compounds. Straw refers to his curable composition as "water borne" (see the title, abstract, and paragraph #13), which means that his curable composition has more than 5% water.

Straw's teachings regarding preparation of individual ingredients do not mean that he teaches or suggests curable compositions with 5% or less non-reactive volatile compounds. Straw teaches that individual ingredients may be made in a form that contains no solvent. See, for example, paragraphs #39 and #65, both of which describe methods of making Straw's Michael acceptor. Because Straw calls his curable composition "water borne," he is teaching that the Michael acceptor is then mixed with

water during the formation of Straw's curable composition. This conclusion is verified by all of Straw's examples, in which Straw explicitly states that water is mixed into the curable composition (paragraphs #47, #56, #66, and #72). Therefore Applicants maintain that when Straw teaches removal of solvent from a mixture during the preparation of one ingredient, Straw is not teaching that his curable composition is solvent-free.

Straw teaches that his curable composition can be used as a coating, which is applied to a substrate and cured to form a dry hard film (paragraph #73). Applicants submit that Straw's teaching that the cured coating is dry does not mean that Straw is teaching that his curable composition has 5% or less non-reactive volatile compounds. The dry, cured coating contains the reaction products of Michael addition. The dry, cured coating does not contain Michael donor and Michael acceptor. That is, the dry, cured coating is not a curable composition. The fact that a cured coating is dry does not tell whether the curable composition that eventually became the dry, cured coating was a curable composition that had a large amount or a small amount of non-reactive volatile compounds. Consequently, Applicants submit that Straw's teaching regarding his cured, dry coating do not teach or suggest the use of curable compositions with 5% or less non-reactive volatile compounds.

Also, Irie also does not teach or suggest the use of curable composition with 5% or less non-reactive volatile compounds.

In sum, Applicants submit that neither Straw nor Irie teach curable compositions with 5% or less non-reactive volatile compounds. Therefore Applicants submit that the Examiner has not presented a proper *prima facie* case for obviousness of present claim 1 over Irie in view of Straw. Applicants also submit that present dependent claims 2-6, 11-13, 15, 16, 18-20, and 22-24 are also not obvious over Irie in view of Straw, for the same reasons as applied herein to present claim 1.

Response to rejection of claims 21 and 25-26 over Irie in view of Straw and Leake

In the above-identified Office Action the Examiner rejected claims 21, 25, and 26 under 35 USC §103(a) as being obvious over Irie in view of Straw and further in view of Leake (US 6,521,716).

Applicants respectfully maintain that it would not be obvious to combine the teachings of Leake with those of Irie. As set forth in detail in Applicants' previous papers, Leake teaches the use of certain specific highly reactive Michael donors and/or certain specific highly reactive Michael acceptors. Leake teaches that only a subset of his highly reactive compositions are capable of curing without base catalyst. In contrast, Irie teaches the use of malonates and (meth)acrylates, which are normal Michael donors and acceptors and which, according to Irie, require base catalyst. Consequently Applicants submit that a person of ordinary skill in the art would conclude that, in order to accomplish Michael addition without base catalyst, it would be necessary to use Leake's reactants. That is, a person of ordinary skill would conclude that combining Leake's teaching of leaving out base catalyst with Irie's teaching of the use of ordinary Michael reactants would result in a mixture of reactants that would not cure. Therefore Applicants submit that it would not be obvious to combine the teachings of Leake with those of Irie. Consequently Applicants submit that claims 21, 25, and 26 are not obvious over Irie in view of Leake and Straw.

Regarding present claim 26, the Applicants note that present claim 26 requires both of these features:

- the presence of an anion of a Michael donor that has the same composition as a Micheal donor in the curable composition, and
- the absence of catalysts normally used in Michael addition.

In the above-identified Office Action, the Examiner stated at the end of paragraph 6, "Therefore [Irie's] component (b) corresponds to the claimed multi-functional Michael donor and accordingly to the claimed anion of Michael donor." The Examiner has made no discussion of where in Irie (or any other reference) the anion of a Michael donor is disclosed to be found in combination with the absence of catalysts normally used in Michael addition. Applicants submit that neither Irie, Leake, nor Straw teach a composition that has such an anion in the absence of such catalysts.

Consequently, Applicants submit that this combination of features provides an additional reason why present claim 26 is not obvious over Irie in view of Leake and Straw.

Conclusion

Applicants respectfully request the Examiner to examine the claimed subject matter and to allow claims 1-6, 11-13, 15, 16, and 18-26 at this time. If, however, there remain any open issues which the Examiner believes can be resolved by a telephone call, the Examiner is cordially invited to contact the undersigned agent.

No fees are believed to be due in connection with the submission of this amendment; however, if any such fees, including petition or extension fees, are due, the Commissioner is hereby authorized to charge them, as well as to credit any overpayments, to Deposit Account No. 18-1850.

Respectfully Submitted,



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Date: July 16, 2009